

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 5. Standards for Motor Vehicle Fuels

Article 1. Standards for Gasoline

Subarticle 1. Gasoline Standards That Became Applicable Before 1996

§ 2253.4. Lead in Gasoline.

(a) Regulatory Standard.

(1) [Reserved]

(2) [Reserved]

(3) Starting January 1, 1994, no person shall sell, offer for sale, supply, or offer for supply any California gasoline:

(A) which is not represented as unleaded, or

(B) which has been produced with the use of any lead additive, or

(C) which contains more than 0.050 gram of lead per gallon or more than 0.005 gram of phosphorus per gallon, except as provided in subsection (d).

(4) Starting January 1, 1992, no person shall transfer a consumer gasoline additive containing lead into the fuel tank of a motor vehicle, other than an exempt off-road motor vehicle.

(5) Starting January 1, 1992, no person shall sell or offer for sale a consumer gasoline additive containing lead unless the additive container bears a conspicuous legend that use of the additive in passenger cars and other on-road vehicles is unlawful and can result in substantial penalties, and unless the marketing of the additive is directed exclusively towards use in exempt off-road motor vehicles and nonvehicular sources.

(b) Definitions.

For the purposes of this section:

(1) "California gasoline" means gasoline sold or intended for sale as a motor vehicle fuel in California.

(2) "Consumer gasoline additive" means any gasoline additive which is designed or marketed to be dispensed into the gasoline tank used to fuel a gasoline engine.

(3) "Exempt off-road vehicle" means any special construction equipment as defined in sections 565 and 570 of the Vehicle Code, and any implement of husbandry as defined in sections 36000 et seq. of the Vehicle Code.

(4) "Gasoline" means any fuel which is commonly or commercially known or sold as gasoline, or which is a mixture of any fuel commonly known or sold as gasoline and alcohol.

(5) "Lead additive" means any substance containing lead or lead compounds.

(6) "Motor vehicle" has the same meaning as defined in section 415 of the Vehicle Code.

(7) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the general public for use in motor vehicles other than exempt off-road vehicles.

(8) "Supply" means to provide or transfer a product to a physically separate facility, vehicle, or transportation system.

(c) Test Methods.

The lead content of gasoline shall be determined in accordance with American Society of Testing and Materials (ASTM) Method D3237-79, which is incorporated herein by reference. The phosphorous content of gasoline shall be determined in accordance with ASTM Method D3231-73, which is incorporated herein by reference.

(d) Exemptions.

Subsections (a)(1) and (3) shall not apply to California gasoline sold, offered from sale, supplied, or offered for supply by a person who demonstrates that:

(i) The gasoline is conspicuously identified as a fuel which may not lawfully be dispensed to motor vehicles other than exempt off-road vehicles; and

(ii) He or she has taken reasonable precautions to assure that the gasoline will not be sold or offered for sale at a retail outlet; and

(iii) Either the gasoline is being directly dispensed into the fuel tank of an exempt off-road vehicle, or the gasoline is the subject of a declaration under penalty of perjury by the purchaser, offeree or recipient stating that he or she will not sell, offer for sale, supply, or offer for supply the gasoline for use in motor vehicles other than exempt off-road vehicles.

NOTE: Authority cited: Sections 39600, 39601, 43013, 430181 and 43101, Health and Safety Code; and *Western Oil & Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 43000,

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REFERENCE